35

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5364 of 2007

PETITIONERS

1 Mahendra Kumar Borjha S/o Shri Swarup Ram Borjha, Age about 38 years, U.D.T. Govt. Boys Middle School, Dongardula, Block – Nagari, Distt. - Dhamtari (C.G.)

2 Gyanendra Kumar Sahu S/o Shri Yashwant Kumar Sahu, Age about 32 years, Asstt. Teacher, Govt. Boys Middle School, Dongardula, Block – Nagari, Distt. - Dhamtari (C.G.)

3 Dayman Singh Nag S/o. Shri Jairam Nag, Age about 39 years, Asstt. Teacher, Govt. Primary School, Mudijhanwar, Block – Magarlod, Distt.- Dhamtari (C.G.)

4 Krishna Kumar Kanwar S/o Shri Ganga Ram Kanwar, Age about 40 years, Asstt. Teacher, Govt. Primary School, Kulharikot, Block- Magarlod, Distt. - Dhamtari (C.G.)

5 Meghu Ram Sahu S/o Shri Nathel Ram Sahu, Age about 43 years, Asstt. Teacher, Govt. Primary School, Gadadih, Block – Magarlod, Distt. - Dhamtari (C.G.)

6 Dujram Dhruw S/o Shri Jagatu Ram Dhruw, Age about 41 years, Asstt. Teacher, Govt. Primary School, Dudhwara, Block – Magarlod, Distt. - Dhamtari (C.G.)

7 Madhusudan Nag S/o Shri Pancham Singh Nag, Age about 45 years, Asstt. Teacher, Govt. Primary School, Hatbandh, Block – Magarlod, Distt.- Dhamtari (C.G.)

8 Sukhuram Chhaideya S/o Shri Vishram Singh Chhaideya, Age about 43 years, Asstt. Teacher, Govt. Primary School, Ghatula, Block – Nagari, Distt. – Dhamtari (C.G.)

9 Kantri Kumar Som S/o Shri Shital Ram Som, Age about 42 years, Asstt. Teacher, Govt. Primary School, Jaitpuri, Block – Nagari, Distt. – Dhamtari (C.G.)

10 Mahesh Suryawanshi S/o Shri Keshar Lal Suryawanshi, Age about 42 years, Asstt. Teacher, Govt. Primary School, Jaitpuri, Block – Nagari, Distt. – Dhamtari (C.G.)

11 Loknath Dev S/o Shri Amaru Singh Dev, Age about 42 years, U.D.T., Govt. Primary School, Birgudi, Block – Magarlod, Distt. – Dhamtari (C.G.)

12 Birendra Kumar Yaduraj S/o Shri Ram Lal Yaduraj, Age about 47 years, Asstt. Teacher, Govt. Middle School, Pursiya, Block – Nagari, Distt. – Dhamtari (C.G.)

13 Hemant Kumar Sahu S/o Shri Natthu Lal Sahu, Age about 49 years, Asstt. Teacher, Govt. Middle School, Purisya, Block – Nagari, Distt.- Dhamtari (C.G.)

14 Chait Ram Koushil S/o Shri Chhedu Ram Koushil, Age about 37 years, Asstt. Teacher, Govt. Middle School, Pursiya, Block – Nagari, Distt. – Dhamtari (C.G.)

Versus

RESPONDENTS

1 State Govt. of Chhattisgarh, Through: Secretary, School Education Department Ministry, D.K.S. Bhawan, Raipur (C.G.)

2 Assistant Commissioner, Tribal Welfare Department Dhamtari (C.G.)

3 District Education Officer Dhamtari

4 Block Education Officer Nagari/Magarlod, Distt. Dhamtari (C.G.)

(Writ Petition under Article 226of the Constitution of India)

Appearance:

Shri Ajay Shrivastava, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.09.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed D.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired D.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

vatti